

REMARKS

The above amendment is made in response to the Office Action mailed June 16, 2004. Claims 1-33 are pending in the present application and stand rejected. Claim 1 has been amended. Claim 12 has been cancelled. The Examiner's reconsideration is respectfully requested in view of the above amendment and the following remarks.

Claims 1-10 and 13 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Cai (U.S. Patent No. 6,501,999). It is respectfully submitted that amended claim 1 overcomes the rejections.

Amended claim 1 includes the limitations claimed in the cancelled claim 12. Amended claim 1 claims, *inter alia*, "wherein said at least two processing units are further adapted to one of accept and reject the tasks for execution." The Office Action rejected claim 12 under 35 U.S.C. § 103(a) as being unpatentable over Cai, in view of Lea et al. (U.S. Patent No. 6,314,447) (hereinafter Lea). Applicants respectfully disagree.

Citing col. 3, lines 6-15, the Examiner argues that "Lea teaches querying a device to obtain its processing capabilities to determine whether the device is able to perform a required processing task." However, claim 1 essentially claims the at least two processing units adapted to one of accept and reject tasks for execution. In Lea, the remote device simply provides processing capabilities in response to a query. The remote device does not accept or reject a task scheduled by a scheduler, as essentially claimed in claim 1. Thus, claim 1 is patentably distinguishable from querying a device to obtain processing capabilities.

Applicants disagree with the statement that "it is merely a choice in the design of the system as to which part of the system has the burden of determining whether a

processor has adequate processing capabilities to perform a task.” Such conclusory statements are insufficient to establish a *prima facie* case of obviousness. No adequate motivation to combine Cai and Lea in the manner argued by the Examiner is provided by the Office Action. The motivation provided by the Examiner is provided without citation and must be assumed to arise solely from impermissible hindsight knowledge.

Notwithstanding the above, the Office Action does not address, “wherein said at least two processing units are further adapted *to one of accept and reject* the tasks for execution.” Further, the combination of Cai and Lea, even if properly combined, does not render obvious the recited claim limitations.

Accordingly, claim 1 is believed to be patentably distinguishable and nonobvious over the combination of Cai and Lea. Dependent claims 2-11 and 13 are believed to be allowable for at least the reasons given for claim 1. Withdrawal of the rejection of 1-11 and 13 is respectfully requested.

Claims 14-30 also stand rejected under 35 U.S.C. § 103 as being unpatentable over Cai, in view of Lea. It is assumed that the inclusion of claims 31-33 in this rejection in the Office Action was inadvertent as the rejections to those claims from paper no. 3 are maintained, and claims 31-33 are not addressed in detail in this portion of the Office Action. The rejection to claims 14-30 are respectfully traversed.

It is respectfully submitted that the Examiner must address *each and every* limitation of the claims. A cursory review of the Office Action shows that this has not been done. Many claims are grouped together even though the claims clearly have patentable distinguishable limitations. Further, many claim limitations are just not

addressed. On this alone, it is respectfully submitted that a *prima facie* case of obviousness has not been established.

Regarding independent claim 14, at least a portion of the arguments provided for claim 1 are applicable here. Furthermore, it is respectfully submitted that the combination of Cai and Lea does not teach or suggest “*querying said plurality of processing units ...to one of accept and reject the execution of the given task.*” As previously stated, the recited portion of Lea simply teaches querying a remote device for processing capability information of the remote device. Cai and Lea, individually or in combination, do not teach or suggest querying the processing units “*to one of accept and reject the execution of the given task,*” as essentially claimed in claim 14. It follows that Cai and Lea, individually or in combination, also do not teach or suggest “until one of the given task is one of *accepted and executed* by said one of said plurality of processing units and the given task is *rejected by all of said plurality of processing units,*” also as essentially claimed in claim 14.

Regarding independent claim 24, at least a portion of the arguments provided for claim 1 are applicable here as well. In particular, Cai and Lea, individually or in combination, do not teach or suggest “rescheduled the given task for execution by an other of said at least two processing units *when said one of said at least two processing units rejects the execution of the given task.*” Cai does not address the issue of rejecting tasks, as admitted by the Office Action, and Lea teaches that a remote device provides only processing capabilities on a request. The recited portions of Lea do not teach or suggest the capability of the remote device to accept or reject scheduled tasks.

Accordingly, claims 14 and 24 are believed to be patentably distinguishable and nonobvious over Cai in view of Lea. Dependent claims 15-23 and 25-30 are believed to be allowable for at least the reasons at least the reasons given for claims 14 and 24.

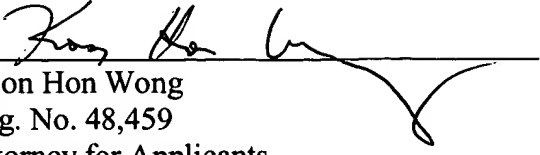
Withdrawal of the rejection of 14-30 under 35 U.S.C. §103(a) is respectfully requested.

Claims 31-33 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Cai, in view of Inoue (U.S. Patent No. 4,954,945). The rejection is respectfully traversed.

The Office Action fails to provide a motivation in the references for combining Cai and Inoue in the manner argued by the Examiner. The reasoning of “[e]nabling each processor to determine whether or not it can successfully execute a process according to certain requirements would allow for less complex task scheduling circuitry since the task scheduling circuitry would no longer need to determine processor capabilities” is provided without citation. Without citation to any of the references for the provided motivation, it must be assumed that the Examiner’s motivation to combine Cai and Inoue in the manner argued is solely through the impermissible use of hindsight reasoning. Therefore, claims 31-33 are believed to be patentably distinguishable and nonobvious over Cai in view of Inoue. Withdrawal of the rejection of 31-33 under 35 U.S.C. §103(a) is respectfully requested.

In view of the foregoing remarks, it is respectfully submitted that all the claims now pending in the application are in condition for allowance. Early and favorable reconsideration is respectfully requested.

Respectfully submitted,

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